



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **September 12, 2006**

TO: **Mayor and Members of the City Council**

FROM: **Robert Paternoster, Community Development Director**

THROUGH: **Amy Chan, City Manager** *[Signature]*

RE: **Opportunity for Council to appeal decisions of the Planning Commission of August 28, 2006 and the Administrative Hearing of August 30, 2006.**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing and an Action Summary from the Administrative Hearing. The Planning Commission draft minutes and Action Summary from the Administrative Hearing note items that may be appealed and the final appeal date. **Staff reports and detailed minutes are available on the City's web site and one set of reports and minutes will be placed in a binder in the Council Office.**

Council should specify the reason for an appeal and indicate any appealed items on which it wishes to have expanded notification.

If you have any questions, please contact Trudi Ryan, the City's Planning Officer at (408) 730-7435.

Attachments: A. Planning Commission Action Summary
B. Administrative Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
August 28, 2006
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

Meeting called to order.

- 1. Overview of Moffett Towers Environmental Impact Report (EIR) (30 minutes)**
- 2. Preview of Study Issue Process (15 minutes)**
- 3. Public Comment on Study Session Agenda Items (5 minutes)**
- 4. Comments from the Chair (5 minutes)**

Meeting adjourned at 7:55 p.m.

8:00 PM - Public Hearing – Council Chambers

The Planning Commission met in regular session with Chair Klein presiding.

ROLL CALL

Members Present: Chair Larry Klein; Vice Chair Brandon Sulser; Commissioner Laura Babcock; Commissioner Darab Ghaffary; Commissioner Charles Hungerford; and Commissioner Harriet Rowe.

Members Absent: Comm. David Simons, excused absence.

Staff Present: Trudi Ryan, Planning Officer; Robert Boco, Assistant City Attorney; Gerri Caruso, Principal Planner; Ryan Kuchenig, Associate Planner; and Debbie Gorman, Recording Secretary

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

APPROVAL OF MINUTES of August 14, 2006.

ACTION: Vice Chair Sulser made a motion to approve the minutes of the Planning Commission meeting of August 14, 2006. Comm. Rowe seconded. Motion carried unanimously, 6-0, Comm. Simons absent.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2006-0307 – Eileen Griffin [Applicant] Mary Avenue Retail LP [Owner]:** Application for a Special Development Permit on a two-acre site to allow approximately 2,300 square feet of additional restaurant area within an existing shopping center. The property is located at **415 North Mary Avenue** (near Corte Madera Ave.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 165-32-009) GC **(Continued from June 26, 2006) (Applicant requests indefinite continuance.)**

ACTION: Comm. Babcock made a motion on 2006-0307 to continue this item indefinitely. Comm. Ghaffary seconded. Motion carried, 6-0, Comm. Simons absent.

APPEAL OPTIONS: This item is continued indefinitely.

2. **2006-0565 -** Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for a Redwood tree in the front yard of a property located at **1633 Edmonton Avenue – RK**

ACTION: Comm. Babcock made a motion on 2006-0565 to deny the appeal and uphold the denial of the Tree Removal Permit. Vice Chair Sulser seconded. Motion carried 5-1, Comm. Rowe dissenting and Comm. Simons absent.

APPEAL OPTIONS: This decision is final and is not appealable.

3. **2006-0670 –** Application for a Special Development Permit on a 3,385 square foot site to allow the addition of floor space (234 square feet) into an existing family home. The floor space is within the existing structure, added to the open second floor air space, and does not result in any visible addition to the home (existing 2 car garage). The property is located at **513 Anacapa Terrace** (near Waddington Avenue) in an R2/PD (Low-Medium Density Residential/Planned Development) Zoning District (APN: 204-16-091) RK

ACTION: Comm. Hungerford made a motion on 2006-0670 to approve the Special Development Permit with the attached conditions. Vice Chair Sulser seconded. Motion carried, 6-0, Comm. Simons absent.

APPEAL OPTIONS: This decision is final unless appealed to the City Council no later than September 12, 2006.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, reported that on August 22, 2006 the City Council met and considered three planning related items. The first was a request for a continuance, which was granted, for an appeal on Ashbourne Drive for a variance on a setback, which was continued, to September 26, 2006, as requested by the applicant. The second was an appeal on Lewiston Drive for a variance for a new fence in the corner vision triangle. The appeal was not granted as the vote was split 3-3 resulting in the Council taking no action, therefore, the decision of the Planning Commission stands. The Council also considered a request to initiate a General Plan Amendment for property on North Sunnyvale Avenue. The Council initiated the request and directed that other property owners on the east side of North Sunnyvale Avenue be invited to participate in the General Plan Amendment study considering a larger area than initially proposed.

Vice Chair Sulser confirmed with staff that a Councilmember was the appellant on the Lewiston Drive variance. Ms. Ryan clarified that at the Planning Commission meeting when this item was considered that questions were asked about previous variance applications considered that dealt with vision triangle issues. The Planning staff provided general information about the previous applications however the Councilmember felt it would be appropriate, for the applicant's sake, for staff to research the previous applications and provide more detailed information. Vice Chair Sulser said he thought the Councilmember had further appealed the Council 3-3 split vote decision. Ms. Ryan said she did not think this could be appealed. Ms. Ryan said there was a study issue suggested as a result of discussion to examine the possibility of allowing open fences in vision triangle areas so that variances would not be a requirement.

Ms. Ryan commented that the next Council meeting that has Planning related issues scheduled is on September 26, 2006 when the Ashbourne Drive appeal is to be considered, and the application on Bobolink Circle where a single home is being proposed for subdivision into four lots.

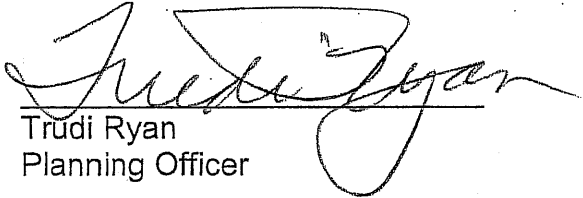
Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 8:50 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY

Wednesday, August 30, 2006

A public hearing was held by the Administrative Hearing Officer at 2:00 p.m. in the West Conference Room, City Hall, 456 W. Olive Avenue, Sunnyvale, CA for the purpose of considering the following applications:

2006-0758 – Application for a Variance from Sunnyvale Municipal Code-section 19.34.030 to allow a 10-foot total side yard setback where 12 feet is required for a one-story addition of a living/dining area. The property is located at **425 Nuestra Avenue** (near Sutter Avenue) in an R-0 (Low Density Residential) Zoning District. (APN:165-07-069) AM

ACTION: Approved

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, September 14, 2006

2006-0714 – Application for a Variance from Sunnyvale Municipal Code section 19.34.030 to allow a 9 foot 11 inch front yard setback where 20 feet is required. The one-story 1,008 square foot addition includes living area and a two-car garage. The property is located at **1210 Oak Creek Way** (near Manzano Way) in an R-0 (Low Density Residential) Zoning District. (APN: 104-28-057) RK

ACTION: Approved

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, September 14, 2006